CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	Ø	Force	V	Discourt.	U.S.
Olubukola Ajayi		Team # 4	201107030		Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Р	recinct:	18	Mo. SOL	EO SOL
Thursday, 05/26/2011 2:45 PM		Transit District 30 Stationhouse			84	11	1/26/2012	11/26/2012
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rec	eived at CCI	RB
Thu, 05/26/2011 5:45 PM		CCRB	Phone		Thu, 05/26	5/201	1 5:45 PM	
Complainant/Victim	Type	Type Home Address						
Subject Officer(s)	Shield	TaxID	Command					
1. SGT Martha Vales	03777	920921	TB DT30					
2. POF Dana Martillo	26835	945954	TB DT30					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. SGT Sharon Barnwell	01230	903399	TB DT30					
2. SGT Ronald Griffin	02590	925393	TB DT30					
Officer(s)	Allegatio	on			Inve	stiga	ator Recon	nmendation
A.POF Dana Martillo	Force: P(§ 87(2)(b)	orce: PO Dana Martillo used physical force against						
B.SGT Martha Vales	Discourte	Discourtesy: Sgt. Martha Vales spoke obscenely to \$87(2)(b)						

Case Summary

On May 26, 2011, § 87(2)(b) called the CCRB and filed the following complaint over the phone on behalf of herself and her daughter, \$87(2)(b) (encl. 5-6). At approximately 2:45 p.m. on May 26, 2011, \$87(2)(6) was arrested by PO Dana Martillo of Transit District 30 and was brought to the Transit District 30 station house. The following allegation resulted from the officers' actions: Allegation A – Force: PO Dana Martillo used physical force against \$87(2)(b) Allegation B – Discourtesy: Sgt. Martha Vales spoke obscenely to \$87(2)(b) **Results of Investigation Civilian Statement** Victim: § 87(2)(b) $is \ a $87(2)(b)$ ■ Black female, who is 5'4" feet tall, weighs 167 pounds, and has black hair and brown eyes. § 87(2)(b) **CCRB Testimony** was interviewed at the CCRB on June 21, 2011 (encl. 7-11). She provided a phone statement to the CCRB on June 3, 2011. At approximately 2:45 p.m. on May swiped her student metro card through one of the turnstiles, located on the mezzanine floor, of the subway station located at the intersection of Jay Street and Metro Tech in downtown Brooklyn. As she headed towards the staircase that led to the train platform, a uniformed black female officer with brown skin, a west-Indian accent, slim build, who was approximately 5'8" feet tall and who had hazel eyes and braided hair (identified through investigation as PO Suzanne Ransome of Transit District 30) stopped her and asked her for her metro card. § 87(2)(b) handed her metro card to PO Ransome. When PO Ransome asked her for her identification, she asked what she was being checked for. PO Ransome said that she wanted to make sure that she had identification because people use student metro cards when they are not supposed to use them. § 87(2)(b) said that she did not have any identification on her, but her school books could prove that the metro card belonged to her. PO Ransome asked to see § 87(2)(b) school books and § 87(2)(b) gave them to her. § 87(2)(b) asked why she was stopped again and PO Ransome told her that she was stopped because some people use student metro cards when they are not supposed to use them. PO twice if she understood her and each time § 87(2)(b) Ransome asked § 87(2)(b) said she did. PO Martillo then asked her for her metro card. PO Ransome said that she was making a scene. Shortly after, a uniformed white female officer with a slim build, black hair, who was about 5'4" feet tall and who § 87(2)(b) identified as PO Dana Martillo of Transit District 30 by looking at her badge, and a uniformed Hispanic male officer with a chubby build, short light brown hair and who was approximately 5'8" feet tall (identified through investigation as PO Luis Ruiz of Transit District 30) approached PO Ransome and §87(2)(b) Martillo told \$87(2)(b) that she needed to see her identification in order to prove that the metro card that she used belonged to her because she could have collected the metro card from anyone and pretended that it was hers. \$87(2)(b) "caught an attitude" at this point by asking PO Ransome in a loud tone if she could have her metro card back. PO Martillo told her

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to calm down and said that she should write her a ticket for not having any identification on her.

PO Martillo and PO Ruiz got in \$87(2)(b) face and backed \$87(2)(b) into a
corner. When \$87(2)(b) took out her cell phone from her Louis Vuitton bag and called
her mother, § 87(2)(b) PO Ruiz told her approximately three times to get off the phone
and each time she refused, stating that she was calling her mother and that he and his partners
stopped her for no reason. PO Martillo and PO Ruiz told her that if she did not get off the phone,
they would put her in handcuffs. When \$87(2)(b) did not comply with the officers'
instructions, PO Martillo told her to turn around. § \$7(2)(b) complied and PO Martillo
placed her in handcuffs. She told PO Martillo that the handcuffs were too tight and asked her to
loosen them, but PO Martillo did not loosen the handcuffs and accused her of resisting arrest.
After which, PO Martillo called for backup.
Five minutes later a black male officer with afro hair, slim build, and who was
approximately 5'8" or 5'9" feet tall (identified through investigation as PO Ronald Griffin of
Transit District 30) arrived on the scene. PO Griffin told her that he was going to take her to a
stationhouse. After which, he and PO Martillo escorted her outside the train station and placed
her in an RMP, which was occupied by a bald-headed black male officer with a skinny build and
who was about 5'7" or 5'8" feet tall (identified through investigation as PO Jonathan Miller of
Transit District 30). PO Martillo, PO Griffin and PO Miller transported her to their stationhouse.
When they got to the stationhouse, PO Martillo told her in a loud voice to sit down. § 87(2)(6)
told PO Martillo that she needed to treat her with respect if she wanted to be treated with
respect. PO Martillo told \$87(2)(b) to sit down and when \$87(2)(b) did not
comply she pushed \$87(20) on her chest so that \$87(20) was forced to sit
comply, she pushed \$87(2)(b) on her chest so that \$87(2)(b) was forced to sit. Some minutes later, \$87(2)(b) was placed in one of the holding cells in the
stationhouse, where PO Martillo asked her for her pedigree information and wrote two tickets up
for her: one for disorderly conduct and the other for not having identification. § 87(2)(6)
was later released to \$87(2)(b) who was called to the stationhouse by PO Martillo.
was fater released to sociolism with was carred to the stationhouse by 10 Martino.
Complainant/Victim: §87(2)(b)
is a \$87(2)(b) black female, who is 5'7" feet tall, weighs 160 pounds,
and has short black hair and brown eyes.
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CCRB Testimony
was interviewed at the CCRB on July 19, 2011 (encl. 12-15). At about
3:00 p.m. on May 26, 2011, \$87(2)(b) received a phone call from PO Martillo (described
as a white female with a skinny build, who was about 5'6" or 5'7" feet tall), who told her to bring
her daughter's, \$87(2)(b) birth certificate and school identification to the stationhouse
or else \$87(2)(b) could be taken to Central Booking. When she got to Transit District
30, she asked the three white male officers by the front desk if she could speak to PO Martillo or
a sergeant regarding the arrest of \$87(2)(b) said she did not go to the
precinct with an unruly attitude, but later said she had a little bit of attitude when she went to the
precinct. PO Martillo (who \$87(2)(b) referred to as a "white bitch") came out from one of
the rooms located at the back of the front desk and told her to sit down and that \$87(2)(b)
would soon be out. When \$87(2)(b) asked PO Martillo for the name of the
officer that initially stopped § 87(2)(b) PO Martillo did not tell her. So, she asked to
speak to a sergeant because she wanted to know why \$87(2)(6) was arrested. A
uniformed west Indian female with dreadlocks, a Jamaican accent and who was about 5'7" feet
tall (who she identified as Sgt. Barnwell) exited from one of the rooms located at the back of the
front desk and identified herself as the sergeant and provided her name and shield number to her.
At some point when \$87(2)(b) mumbled something to herself about "bitches," Sgt.
Barnwell told her to leave the precinct. § 87(2)(6) — who was not loud when she made the

comment and who was not referring to the officers – stepped out and stood in front of the precinct.

Some minutes later when two black females (PO1 and PO2) came to the front door of the asked these officers if she could speak to a sergeant, but these officers did not provide her with a sergeant. At some point, three uniformed white female officers (PO3 through PO5, whom she could not describe in great detail) exited the precinct. PO3 (who said had a slim build and was shorter than her and who she referred to as a "bitch," and identified as PO Vales by looking at her name tag) asked \$87(2)(b) what she was here for. This officer was identified through investigation as Sgt. Martha Vales of Transit District 30. asked her for her name and each time PO Vales showed her badge and name asked PO Vales if she could speak to a sergeant and PO Vales got in her tag. § 87(2)(b) face and called her a "bitch." \$87(2)(6) said PO1, PO2, PO4, and PO5 were present when PO Vales made the derogatory remark to her. § 87(2)(b) remained outside the precinct was released with a summons twenty minutes later. § 87(2)(b) said that the traffic adjudication summons was dismissed when she and § 87(2)(b) appeared in court on \$87(2)(b), or some other date in the month of June 2011. She said that is expected to appear in court sometime in August 2011, to address the disorderly conduct charge.

NYPD Statements:

Subject Officer: SGT. MARTHA VALES

- Sgt. Vales is a § 87(2)(b)
- Sgt. Vales was assigned to patrol supervisor duties at Transit District 30 and was assigned to RMP # 5115 with PO Smith. She was dressed in uniform and worked from 2:50 p.m. to 11:47 p.m. on May 26, 2011.

Memo Book

She had no relevant entries in her memo book (encl. 22-24).

CCRB Testimony

Sgt. Vales was interviewed at the CCRB on August 30, 2011 (encl. 22-27). At about 3:30 p.m. on May 26, 2011, Sgt. Vales was by the front desk looking through the roll call when a female (identified through investigation as \$37(2)(6) walked into the station house and yelled at her and Sgt. Barnwell, who was also by the front desk, without provocation. [87(2)(b) said, "Why did you fucking take my daughter," and Sgt. Vales told \$87(2)(6) that they were going to explain everything to her and that she should have a seat. § \$7(2)(b) refused to sit down and referred to her and Sgt. Barnwell as "fucking bitches." § 87(2)(b) also referred to Sgt. Vales and Sgt. Barnwell as "cunts" and said that they need to "get banged" because they are "fucking lesbians." \$87(2)(b) was asked approximately ten times to take a seat and each time she did not comply. §87(2)(b) continued to refer to Sgt. Vales and Sgt. Barnwell as "fucking bitches" and said that they should die. Sgt. Vales did not as a bitch and she did not hear any officers refer to her as such. Sgt. Vales did not use any discourteous language when speaking to \$87(2)(6) and she did not hear any officers doing such. § 87(2)(b) was asked about ten times to leave the station house and each time she refused. An officer that Sgt. Vales did not know opened the door to the station house and told \$87(2)(6) to exit the station house or else she would be arrested for disorderly conduct. Before § 87(2)(b) left the station house, she asked Sgt. Vales for her name and shield number and Sgt. Vales pointed to her shield as she verbally provided her name

and shield number. § 87(2)(b) asked Sgt. Barnwell for her information and Sgt. Barnwell
provided it to her. When \$87(2)(6) left the station house, she continued to yell as she stood
in front of the station house. Sgt. Vales did not have any interactions with \$87(2)(b)
outside the station house and she did not know if Sgt. Barnwell did. She also did not see any
officers interacting with \$87(2)(b) outside the station house.
outside the station house.
Subject Officer: PO DANA MARTILLO
• PO Martillo is a \$87(2)(b)
• PO Martillo was assigned to safe passage run duties for Transit District 30 and was not
assigned to work with any officer or assigned to any RMP. She was dressed in uniform
and worked from 1:30 p.m. on May 26, 2011 to 12:05 a.m. on May 27, 2011.
Memo Book
Her memo book indicated that \$87(2)(6) was transported by a sergeant to
Transit District 30. When \$87(2)(6) arrived at the station house, her mother,
was called and asked to bring identification. § 87(2)(b) later responded to the
stationhouse with \$87(2)(b) student identification. After which, \$87(2)(b)
was released with two summonses: one for disorderly conduct and the other summons was for
being unable to provide lawful identification upon request (encl. 28-30).
semig analoge to provide lawrar identification apon request (enen 20 30).
Summonses
PO Martillo issued criminal summons # § 87(2)(b) to § 87(2)(b) for
becoming loud with the police officers and acting in a manner that caused a crowd to gather. She
also issued traffic summons # \$87(2)(b) to \$87(2)(b) for refusing to provide
identification upon lawful request. (encl. 31-33).
identification upon favial request. (ellet. 31 33).
CCRB Testimony
PO Martillo was interviewed at the CCRB on September 1, 2011 (encl. 28-37). On the
incident date and time, she heard \$87(2)(b) arguing with PO Suzanne Ransome
(described as a black female officer) because she had stopped her for using a student metro card.
PO Martillo noticed as she stood about 20 to 25 feet away that \$87(2)(6) who was
unable to produce a student identification to confirm that the student metro card belonged to her,
was getting louder and a crowd of about two or three people was starting to form. PO Martillo
and a male officer (who she identified as PO Luis Ruiz of Transit District 30) approached PO
Ransome. PO Martillo and PO Ruiz tried to calm \$87(2)(b) down but she continued to
get louder, arguing that they did not know what they were doing and that her note book was all
they needed to prove that the metro card belonged to her. PO Martillo told \$87(2)(6)
that she could either quiet down, get a summons and go home, or she could be arrested. When
continued to get loud, PO Martillo handcuffed her. At this point, a crowd of
at least twelve people had gathered. As PO Martillo and Sgt. Ronald Griffin of Transit District 30
were escorting \$87(2)(b) to the RMP, \$87(2)(b) called her a "white bitch."
Sgt. Griffin, PO Martillo and Sgt. Griffin's driver (identified through investigation as PO
Jonathan Miller) transported \$87(2)(b) to the stationhouse. \$87(2)(b)
continued to get louder as she was being transported to the precinct. When they arrived at the
precinct, \$87(2)(6) was asked to sit down by the chairs in the front desk area and she
did. PO Martillo did not recall if \$872,000 resisted before sitting down. She did not
push \$87(2)(6) to get her to sit down on the chair and she did not see any officers doing
this. At some point, she placed \$87(2)(b) in a holding cell, where \$87(2)(b)

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continued to	o be loud. PO Martillo ol	otained the contact numb	per for § 87(2)(b)	mother,
§ 87(2)(b)	from § 87(2)(b)	and called § 87(2)(b)	asking her	to bring
§ 87(2)(b)	identification to	the stationhouse.		
By	the time § 87(2)(b)	arrived at the stationho	ouse, PO Martillo was in	n the holding
cell area. So	omeone informed PO Ma	artillo that § 87(2)(b)	was by the front des	sk, so she went
to attend to	her. When she got to the	front desk, § 87(2)(b)	hurled a lot of inst	ults (which
she could no	ot recall) at her and the o	officer(s) that was assigned	ed to the front desk. PO	Martillo,
who did not	t recall if Sgt. Vales and	Sgt. Barnwell were by the	ne front desk, collected	§ 87(2)(b)
id	dentification from § 87(2)(b)	and told her t	o hold on. She returned	to the
holding cell	l area and copied down 88	37(2)(b) iden	tification number and pr	roceeded to
write up two	o summonses for § 87(2)(b)	a disorderl	y conduct and a tab sun	nmons
	failed to			
§ 87(2)(b)	from the holding	g cell and took her to § 87(2	after issu	ing her the
two summo	onses. PO Martillo did no	t call § 87(2)(b)	bitch and she did not h	ear any
	er to her as such. PO Mar	-	0 0	
	and she did not hea	•		
	ene after § 87(2)(b)			
	her name and badge nur			
	that she issued to § 87(2)(b)		ot know if § 87(2)(b)	asked
any other of	fficers for their names an	d badge numbers.		

Witness Officer: SGT. SHARON BARNWELL

- Sgt. Barnwell is a § 87(2)(b)
- Sgt. Barnwell was the anti-crime supervisor at Transit District 30 and was not assigned to any RMP. She was dressed in uniform and worked from 2:50 p.m. to 11:47 p.m. on May 26, 2011.

Memo Book

Her memo book indicated that a black female came into Transit District 30 inquiring about her daughter, who had been arrested. The female was told to have a seat and she became upset and stated that the police had no right to arrest her daughter. The black female then called Sgt. Barnwell a "stupid fucking bitch" several times. The female was asked to leave after she was told not to use profanity in the district (encl. 16-18).

CCRB Testimony

Sgt. Barnwell was interviewed at the CCRB on August 30, 2011 (encl. 16-21). At approximately 4:22 p.m. on May 26, 2011, Sgt. Barnwell was standing in front of the front desk at the stationhouse with Sgt. Vales and the desk officer when a black female (identified as \$87(2)(b) walked in, inquiring about her daughter § 87(2)(b) who was arrested. § 87(2)(b) who was very loud, told her that \$87(2)(6) did not deserve to be arrested. Sgt. Barnwell told her to have a seat on the bench that was located in front of the front desk, but did not comply. § 87(2)(b) was asked several times to sit down before she eventually complied. Sgt. Barnwell did not recall how many times she instructed \$87(2)(b) to sit down before she did. \$87(2)(b) who was "irate" and "very upset," used a lot of profanity. Sgt. Barnwell told her that this was a place of business and that she could not conduct herself in that manner. At some point while Sgt. Barnwell was talking to the desk officer, she overheard \$87(2)(b) repeatedly say, "This stupid fucking bitch arrested my daughter." Sgt. Barnwell, who did not know who § 87(2)(b) was referring to as a "Stupid fucking

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about two or three times that she could not sit in the station house
and call her a "Stupid fucking bitch." When \$87(2)(b) repeated this comment two or three
more times, Sgt. Barnwell opened the door to the stationhouse and told \$87(2)(b) several
times to step out of the command. Sgt. Barnwell did not refer to \$87(2)(b) as a bitch and
she did not use any discourteous language when speaking to \$87(2)(b) Sgt. Barnwell did
not hear any officers refer to \$87(2)(b) as a bitch or use any discourteous language when
speaking to her. §87(2)(b) eventually left the station house, but some minutes later she
returned into the stationhouse and asked her for her name and shield number in the presence of
Sgt. Vales. Sgt. Barnwell did not remember anybody else being there. Sgt. Barnwell verbally
provided her name and shield number to \$87(2)(b) asked Sgt. Vales for
her name and shield number and Sgt. Vales verbally provided her information to her. Sgt. Vales
also directed \$87(2)(b) attention to where her name tag and shield were displayed.
then exited the stationhouse and stood in front of it. Sgt. Barnwell did not know
if any officer went to talk to or meet \$87(2)(b) after she was sent out of the station house.
When a train arrived close to the station house, Sgt. Barnwell left the station house and entered
the train. § 87(2)(6) was still standing outside when Sgt. Barnwell left the stationhouse.

Witness Officer: PO RONALD GRIFFIN

- PO Griffin is a § 87(2)(b)
- PO Griffin was assigned to patrol supervisor for Transit District 30 and to RMP # 5026 with PO Miller. PO Griffin was dressed in uniform and worked from 6:50 a.m. to 3:47 p.m. on May 26, 2011.

Memo Book

His memo book indicated that he visited PO Martillo at Jay Street and transported PO Martillo and one female to Transit District 30, from where he signed off for the day (encl. 38-40)

CCRB Testimony

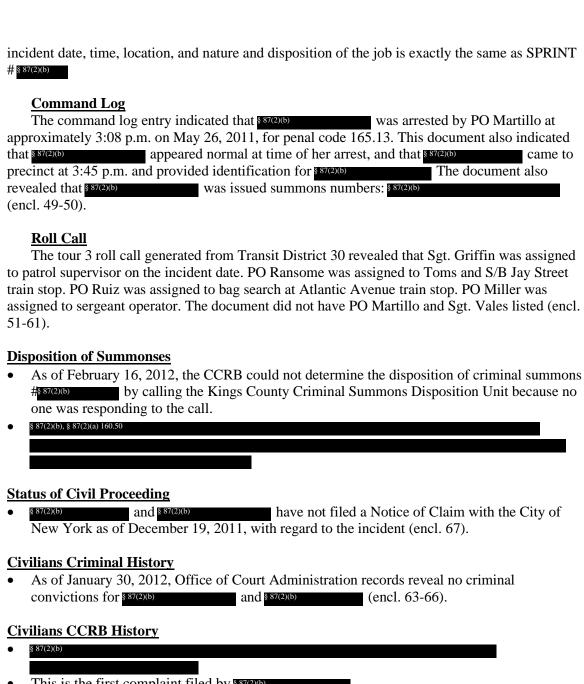
PO Griffin was interviewed at the CCRB on September 19, 2011 (encl. 38-42). He corroborated the general statement made by PO Martillo. PO Griffin confirmed that street to PO Martillo as a "bitch" as they were walking her to his RMP. After street to PO Martillo as a "bitch" as they were walking was placed in the RMP, Sgt. Griffin, PO Miller and PO Martillo transported street to Transit District 30. When they got to the station house, he and PO Martillo escorted street inside the station house while PO Miller remained in the RMP. PO Griffin did not see PO Martillo pushing street and he had no further interaction with street at the stationhouse because he was only at the stationhouse for a minute. As a result, he did not witness the interaction between street and the other police officers in his command.

NYPD Documents

SPRINT

According to SPRINT # STORING officers from the following units responded to a 10-75W9 (directed walk) job at a subway train station, located at Jay Street and Willoughby Street in Brooklyn: foot post officers, officers assigned to sector A and sergeant on patrol from the 37th Precinct. A person was arrested in relation to this job and was subsequently released with a summons (encl. 43-44). Although the officers that responded to this job are not from Transit District 30, the investigation believes that this is the correct SPRINT for the incident because the

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This is the first complaint filed by \$87(2)(b)

Subject Officers CCRB History

- PO Martillo has been a member of the service for 4 years and has no substantiated CCRB allegation against her (encl. 1).
- Sgt. Vales has been a member of the service for 14 years and has no substantiated CCRB allegation against her (encl. 2).

Conclusions and Recommendations

Identification of Subject Officers

alleged that a uniformed white female officer with a slim build, black hair, who was about 5'4" feet tall, and who she identified as PO Martillo by looking at her badge

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pushed her. PO Dana Martillo, a white female officer, was identified as the subject officer in this case because she closely matched the description provided by strength and because she was the only female officer that followed strength from the train station to the stationhouse. Strength alleged that a white female officer with a slim build, who was shorter than her and who she identified as PO Vales by looking at her name tag spoke discourteously to her. Sgt. Martha Vales, a Hispanic female officer with a slim build and who is 5'2" feet tall, was identified as the subject officer in this case because she indicated that she interacted with strength and was at the front desk with Sgt. Barnwell, a black female officer, whose description was also provided by strength.
Investigative Findings and Recommendations
Allegation Not Pleaded
A handcuff too tight allegation is not pleaded against PO Martillo because did not allege that PO Martillo tightened the handcuffs after she complained about them being too tight. A threat of arrest allegation is not pleaded against PO Martillo and a Hispanic or white male officer (PO3) who approached structured after she was stopped at Jay Street Metro Tech train stop, because she was eventually arrested. A refusal to provide name is not pleaded against Sgt. Vales because structured indicated that Sgt. Vales showed her badge and name tag to her each time she asked her for her name. This allegation is also not pleaded against Sgt. Vales because structured indicated that she was able to obtain Sgt. Vales' name from her name tag/ badge.
Allegation A –Force: PO Dana Martillo used physical force against \$87(2)(b)
alleged that PO Martillo pushed her on the chest at Transit District 30 when she failed to comply with PO Martillo's instruction that she should sit down. PO Martillo denied pushing \$87(2)(b) None of the other officers in this case confirmed that they saw PO Martillo pushing \$87(2)(b) \$87(2)(c)
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Allegation B –Discourtesy: Sgt. Martha Vales spoke obscenely to at Transit
District 30.
alleged that Sgt. Vales called her a "bitch." Sgt. Vales denied this allegation. None of the other officers heard Sgt. Vales calling \$87(2)(6) a "bitch." Sgt. Vales said \$87(2)(6) a referred to her and Sgt. Barnwell as "fucking bitches" while Sgt. Barnwell said \$87(2)(6) a said, "this stupid fucking bitch arrested my daughter." Because \$87(2)(6) a said Sgt. Barnwell asked her to leave the stationhouse because she mumbled the word "bitch" under her breath, \$87(2)(6) \$87(2)(6)

Team:4		
Investigator:		
Title/Signature	Print	Date
Supervisor:	Print	Date
· ·	Time	Date
Reviewer: Title/Signature	Print	 Date
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Reviewer: Title/Signature	Print	Date